IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 23324 of 2004

Between:

Bollepalli Satyanarayana, S/o.Lalaiah,
R/o.Bhadrachalam, Khammam District.

..... PETITIONER

AND

1 Andhra Pradesh Northern Power Distribution, Comp.Ltd., rep.by its Managing Director, Vidyuth Soudha, Somajiguda, Hyderabad.
2 The Divisional Engineer, Operation, Andhra Pradesh Northern power Distribution Company Limited, Bhadrachalam, Khammam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order writ or direction more particularly one in the nature of writ of Mandamus, to declare the impugned Lr.No.DEE/OP/BCM/JAO/Adm/U1/D.NO.2402/04 dt.30-11-2004 issued by the respondent insisting the petitioner to get an order from the court, as illegal, arbitrary, unconstitutional and against to the principles of natural justice and consequently direct the respondents to forthwith release the retiremental benefits belonging to me, and to grant such other relief or reliefs as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondents: MR.S.RAVINDRANATH

The Court at the stage of admission made the following:

HONOURABLE MR.JUSTICE K.C.BHANU

WRIT PETITION NO.23324 OF 2004

ORDER:

The present writ petition is field by the petitioner to declare the impugned proceedings of the respondents in Lr.No.DEE/OP/BCM/JAO/Adm/U1/D.No.2402/04, dated 30/11/2004 insisting the petitioner to get an order from the Court, as illegal and arbitrary.

2. The learned counsel for the petitioner contended that the attachment orders passed by the Additional Judicial Magistrate of First Class, Kothagudem, in Crl.M.P.No.4129 of 2004 in M.C.No.99 of 1999 is effected only till the retirement of the petitioner from service. Therefore, withholding the retirement benefits by the respondents is clearly not in accordance with law.

3. On the other hand, the learned counsel for the respondents contended that as per the impugned proceedings, the petitioner has to get a clarification from the Court and thereafter as per the directions of the Court, necessary steps will be taken by the respondents.

4 . The order of attachment passed in Crl.M.P.No.4129 of 2004 in M.C.No.99 of 1999 on the file of the Additional Judicial Magistrate of First Class, Kothagudem, is not filed before this Court. If the petitioner is aggrieved for not paying any retirement benefits in pursuance of the attachment orders, he has to approach the Additional Judicial Magistrate of First Class, Kothagudem, to seek for clarification or to raise the attachment order, but the petitioner has not chosen to do so. In that view of the matter, I am of the opinion that the writ petition can be disposed of with a direction to the petitioner.

5. Accordingly, the Writ Petition is disposed of directing the petitioner to approach the Additional Judicial Magistrate of First Class, Kothagudem, seeking necessary clarification. No order as to costs.

15th December, 2004. ----------

K.C.BHANU, J

Note:

Furnish C.C within two days

B/o.

SKM

TO

1 The Managing Director, Andhra Pradesh Northern Power Distribution,

Comp.Ltd., Vidyuth Soudha, Somajiguda, Hyderabad.

2 The Divisional Engineer, Operation, Andhra Pradesh Northern power

Distribution Company Limited, Bhadrachalam, Khammam Dist.

3 Two C.D. Copies.